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In re Application of: :
OZASA, et. al. :
Application No.: 10/507,507 : DECISION
PCT No.: PCT/JP03/02923 :
Int. Filing Date: 12 March 2003 :
Priority Date: 13 March 2002 :
Attorney's Docket No.: 12480-000061/US :
For: PROCESS FOR PRODUCING BIO- :
DEGRADABLE MOLDED ITEM AND :
MOLDING DIES THEREFOR :

This decision is in response to applicants' "LETTER REQUESTING CORRECTED OFFICIAL RECEIPT" filed 16 January 2009 seeking correction of the application title. No petition fee is required.

BACKGROUND

On 12 March 2003, applicants filed international application PCT/JP03/02923 which claimed a priority date of 13 March 2002. The deadline for payment of the basic national fee was thirty months after the international filing date, i.e. 13 September 2004.

On 13 September 2004, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an executed declaration and power of attorney, an English translation of the international application and a copy of the international application. The title set forth on the published international application is "PROCESS FOR PRODUCING BIODEGRADABLE MOLDED ITEM AND MOLDING DIES THEREFOR."

On 16 January 2009, applicants filed the present request considered herein. The request asks that the title of the invention to be corrected to "METHOD AND MOLD FOR MANUFACTURING BIODEGRADABLE MOLDED ARTICLES." Applicant has provided a stamped, return postcard from the USPTO showing that this request was originally filed on 26 July 2005.

DISCUSSION

Section 1893.03(e)(1) of the Manual Of Patent Examining Procedure (MPEP) states the following regarding the title in U.S. national stage applications:

In the absence of an application data sheet (37 CFR 1.76) or preliminary

amendment changing the title, the Office will use the title of the invention that appears on the first page of the description of the published international application (if published under PCT Article 21 in English) or the title that appears on the first page of the description of the English translation of the international application (if not published under PCT Article 21 in English) in preparing the official filing receipt. If the title does not appear on the first page of the description, and an application data sheet or preliminary amendment changing the title has not been furnished, then the title will be taken from the cover page of the published international application. If applicant furnishes an application data sheet or preliminary amendment changing the title, the Office will use the title as indicated in such document in preparing the official filing receipt. If applicant submits both an application data sheet and a preliminary amendment, the later filed document will govern. See 37 CFR 1.76(d)(1). An application data sheet will govern over a concurrently filed preliminary amendment. See 37 CFR 1.76(d)(2)

Here, pursuant to the policy set forth in the MPEP, the USPTO has assigned the national stage application the "title of the invention indicated on the cover page of the publication." Applicants have not filed either a preliminary amendment or an application data sheet (ADS) to change the title. Accordingly, applicants' present request to modify the title of the present application cannot be granted on the present record.

CONCLUSION

Applicants' request for a corrected filing receipt is DISMISSED without prejudice.

The title of record remains PROCESS FOR PRODUCING BIODEGRADABLE MOLDED ITEM AND MOLDING DIES THEREFOR," as set forth on the published international application.



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